THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.24573 of 2002

06.08.2007

Between

G.V.S.Gurunadha Rao

…Petitioner

And

The General Manager, Vijayawada Telecommunications, Seven Stars Building, Green Field Hotel Road, Venkateswarapuram, Vijayawada-10.

…Respondent

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.24573 of 2002

ORDER:

This writ petition is filed by the petitioner to call for the records pertaining to telephone connection, bearing No.432020, of Machavaram Exchange, Vijayawada, Krishna District, to declare the action of the respondent in demanding excess amount without proper billing as illegal, arbitrary and consequently set aside the order passed by the Arbitrator, dated 19.09.2001, wherein the petitioner was directed to pay the bill amount of Rs.7,194/-, dated 01.06.1999.

According to the petitioner, he is a subscriber of a

telephone connection of the respondent, bearing No.432020. He stated that the said telephone connection was got transferred in his name from M/s.Prasad Sanitary Enterprises consequent to the death of late Sri Garlapati Seetha Ramaiah on 17.11.1995. After transfer, at his request, STD facility was provided on 08.04.1996 on payment of Rs.2,000/- towards security deposit on 02.04.1996. While so, the respondent sent a bill, date 01.12.1998, for a sum of Rs.9,007/- and after receipt of the said bill, the petitioner paid the same and lodged a complaint on 28.12.1998 stating that the said bill was excess and requested the respondent to verify and correct the same. Later, he received a bill, dated 01.02.1999, for a sum of Rs.3,972/- and another bill, dated 01.04.1999, for a sum of Rs.6,162/-, which were paid by the petitioner. The petitioner lodged a complaint even with reference to the said bills also. In spite of the same, as the respondent did not reduce the bills, the petitioner raised a dispute before the District Consumer Forum stating that the said telephone connection is for residential purpose. Thereafter, as per the orders of the District Consumer Forum, the matter was referred to the Arbitrator as is provided under Indian Telegraphs Act and the Arbitrator who has gone into the matter determined the amount payable by the petitioner at Rs.7,194/- and

directed the petitioner to pay the said amount. Aggrieved by the same, the present writ petition is field.

The learned counsel for the petitioner contended that the amount as determined by the Arbitrator is not proper and just, and there is no legal basis for the said determination.

A counter affidavit is filed by the Assistant General Manager of the respondent-Organisation disputing and denying the allegations made by the petitioner. In the counter, details of the bills, dated 01.12.1998, 01.02.1999 and 01.04.1999, with all particulars of calls that were made are given. Therefore, the learned counsel for the respondent contended that there is no merit warranting interference with the matter, as the matter was referred to the Arbitrator, who has decided the issue on consideration of the material on record.

Heard both sides and considered the material on record.

Since the issue has already been decided by the Arbitrator, this Court cannot go into factual aspects and find out the validity or otherwise of the Arbitrator's award.

Under the above circumstances, there are no merits warranting interference. The writ petition is accordingly dismissed. No costs.

06.08.2007

VGB